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REMARKS

Claims 1-20 are all the claims presently pending in the application. Claims 1-2 and 4 have been amended to further define the invention. Claims 10-29 have been added to claim additional features of the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-2 and 4-5 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Squilla et al. (U. S. Patent No. 6,396,537).

This rejection is respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as recited in claim 1 and similarly in claim 4) is directed to an electronic camera which obtains a desired image from a server storing images of tourist spots and providing an image in accordance with a request from a user through an external communication device. The electronic camera includes a communication device which transmits a request for obtaining an image of a tourist spot to the server through the external communication device which determines a communication area in which the external communication device is located, and receives information and the image of the tourist spot around the communication area from the server, a display which displays the information and the image of the tourist spot obtained from the server through the external communication device, an information input device which selects and inputs a desired image from the displayed tourist spot information, and a recording medium which records the image of the tourist spot received through the external communication device and records an image gotten by an imaging operation.

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Conventional cameras may record positional information on the basis map information previously recorded on a recording medium. However, since the quantity of the map information is limited, a user is often unable to obtain positional information except in certain limited places (Application at page 1, line 22-page 2, line 3).

The claimed invention, on the other hand, includes an electronic camera including a communication device which transmits a request for obtaining an image of a tourist spot to the server through an external communication device which determines a communication area in which the external communication device is located, and receives information and the image of the tourist spot around the communication area from the server (Application at Figure 2; page 2, line 2-page 3, line 10). Thus, unlike conventional cameras, the camera does not need to record map information in order for the camera to obtain positional information (e.g., information regarding the camera's location).

II. THE RESTRICTION REQUIREMENT

The Examiner maintains the restriction requirement which was included in the Office Action dated June 21, 2004, and restricted claims 3 and 6-9 from prosecution. Applicant respectfully submits, however, that the restriction requirement is not proper.

Specifically, Applicant submits that Examiner has failed to make a *prima facie* showing that examining Groups II and III (claims 3 and 6-9) would place a serious burden on the Examiner. Further, even though the Examiner has alleged that Groups I-III may be classified in different subclasses, Applicant has sufficiently rebutted the Examiner's arguments by pointing out that the Examiner's search with regard to Groups II and III would be coextensive with his examination of Group I.

Moreover, even assuming (*arguendo*) that there is some additional burden caused by examining Groups II and III in addition to Group I, the burden is very slight and greatly outweighed by the serious financial burden placed on Applicant by restricting out the claims of Groups II and III such that Applicant is required to file Divisional Applications directed to the claimed invention of Groups II and III.

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Therefore, Applicant respectfully requests that the Examiner withdraw the restriction requirement and examine all of the claims 1-20 presently pending in the present Application.

III. SQUILLA

The Examiner alleges that Squilla teaches the invention of claims 1-2 and 4-5. Applicant submits however, that there are features of the claimed invention that are not taught or suggested by Squilla.

Squilla discloses a photographic system for allegedly enabling interactive communication between a camera and an attraction site. The system includes a camera 24, an image spot 10 (e.g., a specific location where a picture is likely to be taken and where a computer and a wireless communication system may be located), and an image server 70 (Squilla at Figure 2; col. 5, lines 45-63). The image spot 10 includes a content database 12 which contains a variety of information about the feature that qualifies as an image spot and would be of interest to a variety of viewers (Squilla at col. 3, lines 63-66).

However, Squilla does not teach or suggest a camera having "*a communication device which transmits a request for obtaining an image of a tourist spot to the server through the external communication device which determines a communication area in which the external communication device is located, and receives information and the image of the tourist spot around the communication area from the server*", as recited in claim 1 and similarly recited in claim 4.

As noted above, unlike conventional cameras in which the quantity of the map information recorded on a recording medium is limited, the claimed invention includes an electronic camera including a communication device which transmits a request for obtaining an image of a tourist spot to the server through an **external communication device** (e.g., a **telephone**) which **determines a communication area in which the external communication device is located**, and receives information and the image of the tourist spot around the communication area from the server (Application at Figure 2; page 2, line 2-page 3, line 10). Thus, unlike conventional cameras, the camera does not need to record map information in order

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for the camera to obtain positional information (e.g., information regarding the camera's location).

Clearly, these features are not taught or suggested by Squilla. Indeed, the Examiner attempts to equate the image spot 10 in Squilla with the external communication device in the claimed invention. This is clearly unreasonable.

In fact, as noted above, Squilla defines the image spot 10 as merely a specific location where a picture is likely to be taken and where a computer and a wireless communication system may be located. Squilla states merely that the image spot 10 includes a content database 12 which contains a variety of information about the feature that qualifies as an image spot and would be of interest to a variety of viewers (Squilla at col. 3, lines 63-66). That is, nowhere does Squilla teach or suggest that the image spot 10 determines a **communication area in which the external communication device is located**.

The Examiner alleges that "image spot 10 inherently includes a function of determining a communication area such as 1) detecting the communication connection with the camera when the camera is in the area; and 2) storing spot images such as theme park, amusement parks, sporting sites; the information is related to a desired information of a photographer in the visited theme park". However, Applicant respectfully submits that the Examiner's allegations here are completely unreasonable.

In fact, as noted above, Squilla defines the "image spot" as a **specific location** where a picture is likely to be taken and where a computer and a wireless communication system may be located. For example, the image spot in Squilla may be a deck on a lodge in a national park which provides a scenic view. That is, the image spot in Squilla is fixed at a "specific location" and is not portable. Thus, it makes no sense for the Examiner to say that the image spot (i.e., a specific location) determines a communication area in which the image spot is located. Indeed, the location of the image spot never has to be determined because it is always the same. Thus, it is completely unreasonable to attempt to equate the image spot in Squilla with the external communication device in the claimed invention.

In addition, Applicant would point out that claim 10 recites "*wherein the server*

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determines the communication area on the basis of communication area information informed by a station" (e.g., see Application at page 8, line 21-page 9, line 6), which is clearly not taught or suggested by the cited reference. That is, as recited in claim 10, the claimed invention allows the camera to receive information on (e.g., regarding) the tourist spot around the communication area of the external communication device (Application at page 8, line 6-page 10, line 21). Thus, for example, when the external communication device is located in the area of Mt. Fuji, the camera may receive information on Mt. Fuji. Nowhere are these novel features taught or suggested by the prior art.

Therefore, Applicant respectfully submits that there are features of the claimed invention that are not taught or suggested by Squilla. Therefore, the Examiner is respectfully requested to withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Tuan V. Ho, Group Art Unit #2615 at fax number (571) 273-8300 this 26th day of July, 2005.



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